

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

v.

ORDER
13-CR-128-A

DAVID ALLEN VICKERS,

Defendant.

This case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1) for pretrial proceedings. On January 28, 2014 Magistrate Judge Schroeder filed a Report, Recommendation and Order (Dkt. No. 24) recommending that defendant Vicker's motions to dismiss the Indictment pending against Vickers on vagueness and statute of limitations grounds (Dkt. Nos. 18, 19) be denied.

On March 5, 2014, defendant Vickers filed objections to Magistrate Judge Schroeder's Report, Recommendation and Order. (Dkt. No. 29). The United States filed a response March 25, 2014 (Dkt. No. 32), and Court heard oral argument on April 10, 2014.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a *de novo* determination of those portions of the Report, Recommendation and Order to which objections have been raised. After reviewing the submissions of the parties and hearing oral argument, the Court adopts the proposed findings of the Report,

Recommendation and Order.

Accordingly, for the reasons set forth in Magistrate Judge Schroeder's Report, Recommendation and Order (Dkt. 24), defendant Vicker's motions to dismiss the Indictment (Dkt. Nos. 18, 19) are denied. The parties shall appear on May 9, 2014 at 2:30 p.m. for a status conference and to set a date for trial.

SO ORDERED.

Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: May 8, 2014